IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.25769 of 1998

Between:

Rajaiah, S/o. Kanakaiah.
R/o. Bhadrachalam, Khammam District.

..... PETITIONER

AND

1 Union of India, rep. General Manager.
South Central Railway, Secunderabad.
2 The Divisional Manager,
South Central Railway, Secunderabad.
3 C.R.Gopal Rao, President,
South Central Railway Co-operative Societies, Khazipet,
Warangal District.
4 Presiding Officer,
Labour Court-I, Chandravihar,
A.P., Hyderabad.
5 Regional Commissioner of Labour, (Central),
Near Sivam, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to grant a direction more particularly a writ of Mandamus or any other writ declaring the action of the respondents 1 to 3 in not making payment of the difference of minimum wages due to the petitioner from 16-12-1976 to 1-4-1980 is illegal, arbitrary, contrary to law and violative of Art.16 and 19 of the Constitution of India and consequently directing the respondents 1 and 2 to make payment of the amount of Rs.10,535.70 ps. towards difference of minimum wages with immediate effect.

Counsel for the Petitioner: Mr.K.K.CHAKRAVARTHY

Counsel for Respondents 1 & 2 : Mr. GOWRISHANKAR SANGHI,

S.C.for Railways.

Counsel for Respondent No.5 : Mr.ARAJASEKHAR REDDY, SC FOR CG.

Counsel for Respondent No.3 : None appeared.

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a mandamus declaring the action of respondents 1 to 3 in not making payment of difference of minimum wages due to the petitioner from 16-12-1976 to 1-4-1980 as arbitrary, illegal and contrary to law and violative of Articles 14, 16 and 19 of the Constitution of India, and consequently to direct respondents 1 and 2 to make payment of the amount of Rs.10,535.70p. towards difference of the minimum wages immediately.

It is curious to note that for the very same relief, the petitioner along with some others, has filed M.P.No.19 of 1984 before the Labour Court-I, Hyderabad. The Labour Court, after elaborate consideration of the evidence before it, came to the conclusion that the petitioners therein except claiming that they have been working for the past 15-18 years have not produced any documentary evidence or reliable evidence to show that all of them have been working in Dornakal Section in the Railways on contract labour system under a contractor. The Labour Court observed that when there is a question to be decided with regard to entitlement of regularization of services of the petitioners from a particular date, they are not entitled to claim wages as if their services have been regularized. Since there is a dispute regarding the petitioners' entitlement to regularization from 6-12-1976 and as the petitioners have not impleaded the contractor who maintained the register of wages etc., and have not produced necessary records to show from which date each petitioner has been working under him, the Labour Court dismissed the petition on 25-9-1993. The petitioner has not made any efforts to challenge the said Award of the Labour Court in M.P.No.19 of 1984 passed under Section 33-C(2) of the Industrial Disputes Act, and the said Award of the Labour Court has become final. It

is curious to note that after more than five years thereafter, the writ petition is filed for the same relief. In fact, such a petition is not maintainable once the Award of the Labour Court has become final. Even otherwise, the minimum wages claimed by the petitioner was from 16-12-1976 to 1-4-1980. There is no whisper in the writ petition that the petitioner is entitled for any specified minimum wages as per any particular circular or Government Order etc. passed by the competent authority under the Minimum Wages as per the Minimum Wages Act.

The writ petition is speculative in nature and no relief as sought for in the writ petition can be granted. The writ petition is devoid of merits and is liable to be dismissed and is accordingly dismissed. No costs.

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(C.V.RAMULU, J.)

4th November 2004.

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To

1. The General Manager, South Central Railway, Union of India,

Secunderabad.

2 The Divisional Manager, South Central Railway, Secunderabad.

3 The Regional Commissioner of Labour, (Central),
Near Sivam, Hyderabad.

4 Presiding Officer,
Labour Court-I, Chandravihar,

A.P., Hyderabad.

5 Two C.D. copies.